

1 JEFFREY A. MEITH, SBN 055007
2 DAVID J. STEFFENSON, SBN 238890
3 MINASIAN, SPRUANCE, MEITH,
4 SOARES & SEXTON, LLP
5 P.O. Box 1679
6 1681 Bird St
7 Oroville, California 95965

EXEMPT FROM FILING FEE
[GOV. CODE § 6103]

FILED

OCT 28 2010

8 Telephone: (530) 533-2885
9 Facsimile: (530) 533-0197

10 Email: jmeith@minasianlaw.com
11 dsteffenson@minasianlaw.com

FRESNO COUNTY SUPERIOR COURT
By _____ DEPUTY

12 Attorneys for Plaintiff,
13 ORANGE COVE IRRIGATION DISTRICT

14 SUPERIOR COURT OF CALIFORNIA

15 IN AND FOR THE COUNTY OF FRESNO

16 ORANGE COVE IRRIGATION DISTRICT,

No. 10 CECG 02138

17 PLAINTIFF,

[Proposed] JUDGMENT
DETERMINING VALIDITY OF
THE CONTRACT BETWEEN
THE UNITED STATES OF
AMERICA AND ORANGE COVE
IRRIGATION DISTRICT

18 vs.

Date Case Filed: June 18, 2010
Judge Donald S. Black

19 ALL PERSONS INTERESTED IN THE MATTER
20 OF THE VALIDITY OF THAT CERTAIN
21 CONTRACT, ENTITLED "UNITED STATES
22 DEPARTMENT OF INTERIOR, BUREAU OF
23 RECLAMATION, CENTRAL VALLEY PROJECT,
24 CALIFORNIA, CONTRACT BETWEEN THE
25 UNITED STATES AND ORANGE COVE
26 IRRIGATION DISTRICT PROVIDING FOR
PROJECT WATER SERVICE AND FACILITIES
REPAYMENT," CONTRACT No. I75R-1672D,
OR IN THE PROCEEDINGS LEADING UP TO,
AND INCLUDING, THE AUTHORIZATION OF
THE EXECUTION AND THE APPROVAL OF
SAID CONTRACT,

FILED BY FAX

27 Upon reading and considering the unopposed Ex Parte Application for Judgment
28 requesting the validation and confirmation of Plaintiff Orange Cove Irrigation District's

MINASIAN, SPRUANCE, MEITH, SOARES & SEXTON, LLP
1681 Bird Street
P.O. Box 1679
Oroville, CA 95965
(530) 533-2885

MINASIAN, SPRUANCE, MEITH, SOARES & SEXTON, LLP
1681 Bird Street
P.O. Box 1679
Oroville, CA 95965
(530) 533-2885

1 (District) certain contract entitled "UNITED STATES DEPARTMENT OF INTERIOR,
2 BUREAU OF RECLAMATION, CENTRAL VALLEY PROJECT, CALIFORNIA,
3 CONTRACT BETWEEN THE UNITED STATES AND ORANGE COVE IRRIGATION
4 DISTRICT PROVIDING FOR PROJECT WATER SERVICE FROM FRIANT DIVISION
5 AND FOR FACILITIES REPAYMENT," CONTRACT NO. 175r-1672D (hereinafter
6 referred to as the "Repayment Contract"), due proof having been made by satisfactory
7 evidence submitted to the Court that the District caused this action to be brought within the
8 proper time; that Summons was issued herein and was duly published pursuant to Section
9 6063 of the California Government Code in the *Fresno Bee*, a newspaper of general
10 circulation published in the County of Fresno, State of California, and the *Visalia Times-*
11 *Delta*, a newspaper of general circulation published in the County of Tulare, State of
12 California, as designated by this Court; that jurisdiction of the subject matter of this action
13 and of all persons interested has been duly obtained by this Court and is complete; that no
14 person appeared in said action to contest the validity of the contract involved in said action or
15 any proceeding taken for the authorization of approval thereof or any other matters involved
16 in said proceedings.

17 And it further appearing that the time for such appearances and contest has expired
18 and the default of all defendants has been duly entered, it is now, upon application of the
19 District, ORDERED, ADJUDGED and DECREED AS FOLLOWS THAT:

20 1. The proceedings leading up to, and including, the authorization of the execution and
21 the approval of the Repayment Contract by the District's Board of Directors, are hereby
22 validated and confirmed, and each and all provisions of the Repayment Contract are hereby
23 approved, confirmed and declared lawful, valid and upon execution binding upon the
24 respective parties thereto.

25 2. All persons are permanently enjoined from the institution of any action or proceeding
26 raising any issue as to which this judgment is binding and conclusive.

27
28 Date: OCT 28 2010

DONALD S. BLACK

DONALD S. BLACK, JUDGE OF THE
SUPERIOR COURT

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
 JEFFREY A. MEITH, SBN 055007

DAVID J. STEFFENSON, SBN 238890
 MINASIAN, SPRUANCE, MEITH, SOARES & SEXTON, LLP
 1681 BIRD ST., P.O. BOX 1679, OROVILLE, CA 95965-1679
 TELEPHONE NO.: 530-533-2885 FAX NO. (Optional): 530-533-0197
 E-MAIL ADDRESS (Optional): dsteffenson@minasianlaw.com
 ATTORNEY FOR (Name): ORANGE COVE IRRIGATION DISTRICT

FOR COURT USE ONLY
 FRESNO COUNTY
 SUPERIOR COURT
 10 SEP 16 PM 3:09

SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
 STREET ADDRESS: 2317 Tuolumne Street
 MAILING ADDRESS: 2317 Tuolumne Street
 CITY AND ZIP CODE: Fresno, CA 93721
 BRANCH NAME:

PLAINTIFF/PETITIONER: ORANGE COVE IRRIGATION DISTRICT
 DEFENDANT/RESPONDENT: All Persons Interested In The Matter Of The Validity Of That Certain Contract Entitled "United States Department Of Interior, Bureau Of Reclamation, Central Valley Project, California, Contract Between The United States And Orange Cove Irrigation District Project Water Service And Facilities Repayment," Contract No. 175R- 1672D, Or In The Proceedings Leading Up To , And Including, The Authorization Of The Execution And The Approval Of Said Contract

REQUEST FOR (Application) Entry of Default Clerk's Judgment Court Judgment

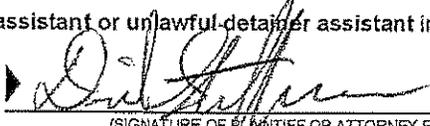
CASE NUMBER: 10CECg 02138

1. TO THE CLERK: On the complaint or cross-complaint filed
- a. on (date): June 18, 2010
 - b. by (name): ORANGE COVE IRRIGATION DISTRICT
 - c. Enter default of defendant (names): All Persons Interested In The Matter Of The Validity Of That Certain Contract Entitled "United States Department Of Interior, Bureau Of Reclamation, Central Valley Project, California, Contract Between The United States And Orange Cove Irrigation District Project Water Service And Facilities Repayment," Contract No. 175R- 1672D, Or In The Proceedings Leading Up To , And Including, The Authorization Of The Execution And The Approval Of Said Contract
 - d. I request a court judgment under Code of Civil Procedure sections 585(b), 585(c), 989, etc., against defendant (names): All Persons Interested In The Matter Of The Validity Of That Certain Contract Entitled "United States Department Of Interior, Bureau Of Reclamation, Central Valley Project, California, Contract Between The United States And Orange Cove Irrigation District Project Water Service And Facilities Repayment," Contract No. 175R- 1672D, Or In The Proceedings Leading Up To , And Including, The Authorization Of The Execution And The Approval Of Said Contract (Testimony required. Apply to the clerk for a hearing date, unless the court will enter a judgment on an affidavit under Code Civ. Proc., § 585(d).)
 - e. Enter clerk's judgment
 - (1) for restitution of the premises only and issue a writ of execution on the judgment. Code of Civil Procedure section 1174(c) does not apply. (Code Civ. Proc., § 1169.)
 Include in the judgment all tenants, subtenants, named claimants, and other occupants of the premises. The Prejudgment Claim of Right to Possession was served in compliance with Code of Civil Procedure section 415.46.
 - (2) under Code of Civil Procedure section 585(a). (Complete the declaration under Code Civ. Proc., § 585.5 on the reverse (item 5).)
 - (3) for default previously entered on (date):

2. Judgment to be entered.

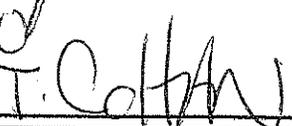
	Amount	Credits acknowledged	Balance
a. Demand of complaint	\$	\$	\$
b. Statement of damages *			
(1) Special	\$	\$	\$
(2) General	\$	\$	\$
c. Interest	\$	\$	\$
d. Costs (see reverse)	\$	\$	\$
e. Attorney fees	\$	\$	\$
f. TOTALS	\$	\$	\$

g. Daily damages were demanded in complaint at the rate of: \$ _____ per day beginning (date): _____
 (* Personal injury or wrongful death actions; Code Civ. Proc., § 425.11.)

3. (Check if filed in an unlawful detainer case) Legal document assistant or unlawful detainer assistant information is on the reverse (complete item 4).
 Date: September 16, 2010
 DAVID J. STEFFENSON (TYPE OR PRINT NAME)  (SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

FOR COURT USE ONLY

(1) Default entered as requested on (date): 9-10-10
 (2) Default NOT entered as requested (state reason):

Clerk, by  Deputy

FILED BY FAX

PLAINTIFF/PETITIONER: ORANGE COVE IRRIGATION DISTRICT	CASE NUMBER:
DEFENDANT/RESPONDENT: <small>All Persons Interested In The Matter Of The Validity Of That Certain Contract Entitled "United States Department Of Interior, Bureau Of Reclamation, Central Valley Project, California, Contract Between The United States And Orange Cove Irrigation District Project Water Service And Facilities Repayment," Contract No. VTSR-1671D, Or In The Proceedings Leading Up To, And Including, The Authorization Of The Execution And The Approval Of Said Contract</small>	

4. Legal document assistant or unlawful detainer assistant (Bus. & Prof. Code, § 6400 et seq.). A legal document assistant or unlawful detainer assistant did did not for compensation give advice or assistance with this form. (If declarant has received any help or advice for pay from a legal document assistant or unlawful detainer assistant, state):

- a. Assistant's name:
- b. Street address, city, and zip code:
- c. Telephone no.:
- d. County of registration:
- e. Registration no.:
- f. Expires on (date):

5. Declaration under Code of Civil Procedure Section 585.5 (required for entry of default under Code Civ. Proc., § 585(a)). This action

- a. is is not on a contract or installment sale for goods or services subject to Civ. Code, § 1801 et seq. (Unruh Act).
- b. is is not on a conditional sales contract subject to Civ. Code, § 2981 et seq. (Rees-Levering Motor Vehicle Sales and Finance Act).
- c. is is not on an obligation for goods, services, loans, or extensions of credit subject to Code Civ. Proc., § 395(b).

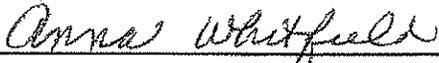
6. Declaration of mailing (Code Civ. Proc., § 587). A copy of this Request for Entry of Default was

- a. not mailed to the following defendants, whose addresses are unknown to plaintiff or plaintiff's attorney (names): Service was by publication pursuant to Court Order dated 8-13-10 by Judge Donald S. Black.
- b. mailed first-class, postage prepaid, in a sealed envelope addressed to each defendant's attorney of record or, if none, to each defendant's last known address as follows:
 (1) Mailed on (date):
 (2) To (specify names and addresses shown on the envelopes):

I declare under penalty of perjury under the laws of the State of California that the foregoing items 4, 5, and 6 are true and correct.
Date: September 16, 2010

ANNA WHITFIELD

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

7. Memorandum of costs (required if money judgment requested). Costs and disbursements are as follows (Code Civ. Proc., § 1033.5):

a. Clerk's filing fees	\$
b. Process server's fees	\$
c. Other (specify):	\$
d.	\$
e. TOTAL	\$ _____

f. Costs and disbursements are waived.

g. I am the attorney, agent, or party who claims these costs. To the best of my knowledge and belief this memorandum of costs is correct and these costs were necessarily incurred in this case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)

8. Declaration of nonmilitary status (required for a judgment). No defendant named in item 1c of the application is in the military service so as to be entitled to the benefits of the Servicemembers Civil Relief Act (50 U.S.C. App. § 501 et seq.).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DECLARANT)